

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bogenstaetter et al

Serial No. :

Art Unit:

Filed : January 14, 2004

Examiner:

For : HETEROCYCLIC COMPOUNDS

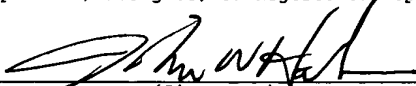
I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 14, 2004

(Date of Deposit)

John W. Harbour

(Name of applicant, assignee, or Registered Representative)



(Signature)

January 14, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

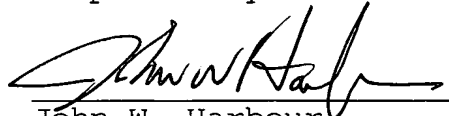
This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☒ Copies of the references listed are not attached in view of the fact that they are supplied in the parent application, U.S. serial # 10/104,283 filed March 22, 2002.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT1614/JWH. This form is submitted in triplicate.

Respectfully submitted,



John W. Harbour
Reg. No. 31,365
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2169
DATED: January 14, 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	
Filing Date	
First Named Inventor	M. Bogenstaetter et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1614

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature	Date Considered
--------------------	-----------------

Signature	Considered
-----------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

<i>Application Number</i>	
<i>Filing Date</i>	
<i>First Named Inventor</i>	M. Bogenstaetter et al.
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	ORT-1614

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number

Filing Date

First Named Inventor

M. Bogenstaetter et al.

Group Art Unit

Examiner Name

Attorney Docket Number

ORT-1614

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number

Filing Date

First Named Inventor

M. Bogenstaetter et al.

Group Art Unit

Examiner Name

Attorney Docket Number

ORT-1614

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Application Number	
Filing Date	
First Named Inventor	M. Bogenstaetter et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1614

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,217,986		Pomponi, S.A. et al.	06-08-1993	
		5,352,707		Pompni et al.	10-04-1994	
		5,869,479		Kreutner, W. et al.	02-09-1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		EP	0 978 512	A1	Societe Civile Bioprojet	02-09-2000		
		WO	99/42458		James Black Foundation Limited	08-26-1999		

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

Application Number	
Filing Date	
First Named Inventor	M. Bogenstaetter et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1614

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		ARRANG, J.M. et al.; "Auto-inhibition of brain histamine release mediated by a novel class (h3) of histamine receptor" Nature; April 1983; 302:832-837	
		ASH, A.S.F. et al; "Receptors Mediating Some Actions of Histamine"; Br. J. Pharmac. Chemother.; 1966 27:427-439	
		BARNES, J.C. et al; "The selective Histamine H3 Receptor Antagonist Thioperamide Improves Cognition and Enhances Hippocampal Acetylcholine Release in vivo"; Soc. Neurosci. Abstr.; 1993 19:1813	
		Bioworld Today, March 2, 1999, page 3	
		BLACK, J.W. et al.; "Definition and Antagonism of Histamine H2-receptors"; Nature; April 1972; 236:385-390	
		DING, Y. S. et al. "Synthesis of High Specific Activity (+)-and-(-)-6-[18F]Fluoronorepinephrine via the Nucleophilic Aromatic Substitution Reaction". J. Med. Chem. (1991) 34:767-771	
		GANELLIN, C.R. et al.; "Synthesis of Potent Non-imidazole Histamine H3-Receptor Antagonists"; Arch. Pharm. Pharm. Med. Chem. (Weinheim, Ger.); 1998 331:395-404	
		GARBAG, M. et al; "S-[2-(4-Imidazolyl)ethyl]isothiourea, a Highly Specific and Potent Histamine H3 Receptor Agonist"; J. Pharmacol. Exp. Ther.; 1992; 263(1):304-310	
		GILATECH, INC.; "Gilatech's first drug candidate begins phase I human clinical trials"; Gilatech Inc. Press Release; November 5, 1998	
		ICHINOSE, M. et al; "Histamine H3-receptors modulate nonadrenergic noncholinergic neural bronchoconstriction in guinea-pig in vivo"; P.J. Eur. J. Pharmacol; 1989; 174:49-55	
		IMAMURA, M. et al.; "Unmasking of Activated Histamine H3-Receptors in Myocardial Ischemia: Their Role as Regulators of Exocytotic Norepinephrine Release 1,2"; J. Pharmacol. Exp. Ther.; 1994; 271(3):1259-1266	
		JONES, R.G. "Studies on Imidazoles. II. The Synthesis of 5-Imidazolecarboxylates from Glycine and Substituted Glycine Esters. J Am. Chem Soc. (1949) 71:644-647	
		KORTE, A. et al; "Characterization and Tissue Distribution of H3 Histamine Receptors in Guinea Pigs by Na-Methylhistamine"; Biochem. Biophys. Res. Commun.; May 1990; 168(3):979-986	
		KRAUSE, M. et al.; "The Histamine H3 Receptor-A Target for New Drugs"; Leurs, R.; Timmerman, H. (Eds.); Elsevier; 1998; 175-196	
		LEURS, R. et al; "The medicinal chemistry and therapeutic potentials of ligands of the histamine h3 receptor" Prog. Drug. Res.; 1995; 45:107-165	
		LIN, Jian-Sheng et al. "Involvement of histaminergic neurons in arousal mechanisms demonstrated with H3-receptor ligands in the cat"; Brain Res.; 1990; 523:325-330	
		LINNEY, I.D. et al; "Design, Synthesis, and Structure-Activity Relationships of Novel Non-Imidazole Histamine H3 Receptor Antagonists"; J. Med. Chem.; 2000; 43:2362-2370	
		LOVENBERG, T.W. et al; "Cloning and Functional Expression of the Human Histamine H3 Receptor"; Mol. Pharmacol; 1999 55:1101-1107	
		LOVENBERG, T.W. et al. "Cloning of Rat Histamine H3 Receptor Reveals Distinct Species Pharmacological Profiles. J. Pharmacol. Exp. Ther. (2000) 293:771-778	
		MACHIDORI, H. et al; "Zucker obese rats: defect in brain histamine control of feeding"; Brain Res.; 1992; 590:180-186	
		MCLEOD, R.L. et al; "Antimigraine and Sedative Activity of SCH 50971: A Novel Orally-Active Histamine H3 Receptor Agonist"; Soc. Neurosci. Abstr.; 1996; 22:2010	
		MONTI, J.M. et al; "Effects of selective activation or blockade of the histamine h3 receptor on sleep and wakefulness"; Eur. J. Pharmacol.; 1991; 205:283-287.	
		MORISSET, S. et al; "High constitutive activity of native H3 receptors regulates histamine neurons in brain"; Nature; Dec., 2000; 408:860-864	
		ODA, Tamaki et al.; "Molecular Cloning and characterization of a Novel Type of Histamine Receptor Preferentially Expressed in Leukocytes"; J. Biol. Chem.; Nov. 2000; 275(47):36781-36786	
		PANULA, P. et al; "Significant Changes in the Human Brain Histaminergic System in Alzheimer's Disease" Soc. Neurosci. Abstr.; 1995; 21:1977	
		PHELPS, M.E. "Positron Emission Tomography Provides Molecular Imaging of Biological Processes." Proc. Natl. Acad. Sci. (2000) 97:9226-9233	
		PHILLIPS, J.G.; ALI, S.M. "In the Histamine H3 Receptor-A Target for New Drugs" Leurs, R.; Timmerman, H. (Eds.) Elsevier (1998) 197-222	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 3

Application Number

Filing Date

First Named Inventor

M. Bogenstaetter et al.

Group Art Unit

Examiner Name

Attorney Docket Number

ORT-1614

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Notice of References Cited

Application/Control No.

10/104,283

Applicant(s)/Patent Under
Reexamination
BOGENSTAETTER ET AL.

Examiner

Thomas McKenzie Ph.D.

Art Unit

1624

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,886,160	05-1975	Tweit, Robert C.	544/316
	B	US-3,714,179	01-1973	Tweit, Robert C.	548/315.7
	C	US-5,030,644	07-1991	Baldwin et al.	514/393
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	JP 02306237 A2	12-1990	Japan	Kato et al	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Jordaan, A.; Arndt, R. R., Journal of Heterocyclic Chemistry, 5(5), 723-5 (English) 1968.
	V	Garcia Gonzalez, F.; Fernandez Bolanos, J.; Fuentes Mota, J., Carbohydrate Research, 22(2), 436-40 (English) 1972.
	W	Renato M.E. Sabbatini, Re: The Cyclotron and PET. In Brain & Mind an electronic magazine about Neuroscience [online], March, 1997 [retrived 7/15/03]. Retrived from the internet <http://www.epub.org.br/cm/n01/pet/petcyclo.htm>.
	X	Phillips, J.G. et al, Ann. Reports Med. Chem., 31, 1998, pages 31-40.

copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
References in MM-YYYY format are publication dates. Classifications may be US or foreign.

Patent and Trademark Office
O-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 5

BEST AVAILABLE COPY